STREET SPIRIT

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JUSTICE NEWS & HOMELESS BLUES IN THE BAY AREA

BEFORE THE DELUGE

Freedom Sleepers Confront a Flood Tide of Homelessness in Santa Cruz

"In their hearts they turned to each other's hearts for refuge, in the troubled years that came before the deluge." — Jackson Browne

by Linda Ellen Lemaster

The Freedom Sleepers had already been demonstrating against the city's anti-sleeping laws every Tuesday night for many weeks when my girlfriend and I visited the scene of the growing protest at the City Hall gardens in Santa Cruz.

We circulated around the two information tables and the little clusters of homeless sleepers and their friends participating in this once-a-week overnight protest on the parched but still garden-like City Hall grounds. The Freedom Sleepers have shown real perseverance over the past few months, and have held more than 16 overnight sleep-outs.

In one corner, signs declared: "Sleep Is A Human Necessity" and "6.36.010 Has Got to Go" — a reference to the Santa Cruz municipal ordinance that prohibits sleeping for homeless people. Two busy younger guys, dynamic in a pile of ink markers and backpacks and posterboard, were making messages into signs along the brick and stone pathway under an arbor of roses and hanging fuchsia.

The opposite front corner in the garden sheltered an older couple, seemingly sound asleep around 5 p.m., under a shady four-foot palm tree near the stone retainer wall.

We showed up while some of the homeless sleepers and most of their allies were inside attending the City Council meeting. Councilmembers were seeking more ways to make it a crime to be homeless. They've banned the act of sleeping outdoors in a city with a documented shortage of housing and shelter beds.

Can you believe these people? The City Council's response to demonstrators present at the meeting was to agendize several new batches of anti-homeless draft laws and revisions, to see how they can further criminalize and exclude the city's poor.

Instead of focusing on greater solutions to the recent loss of homeless services when the budget for the Homeless Services Center was abruptly slashed, the council evidently has decided instead to pave their pathway to criminalization. It

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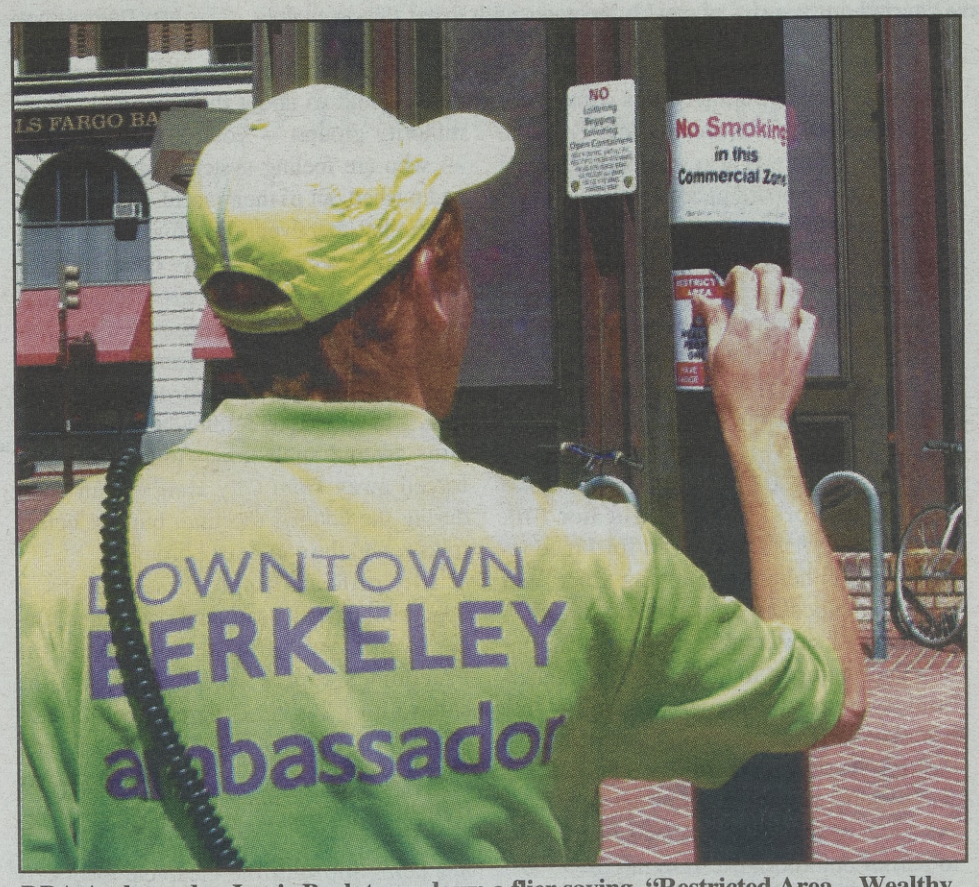
Freedom Sleepers in Santa Cruz call for an end to Sleeping Ban. Photo by Alex Darocy



DBA Ambassador Jamie Bush tears down a flier saying, "Restricted Area—Wealthy People Only." This kind of political message is protected by the First Amendment.

It is absurd that the DBA, representing the wealthiest property owners in town, is taking public money to pay a private patrol to tear down the posters of poor artists, musicians, activists and community groups. We're paying them to tear down our posters — *and rip up the First Amendment.*

Defending Freedom of Speech in Berkeley

Downtown Berkeley Association apologizes for ripping down First Amendment rights

by Carol Denney

John Caner, CEO of the Downtown Berkeley Association (DBA), made his third public apology in less than a year, this time for having the DBA's "ambassadors" rip down legally placed fliers and posters — in a city where the Free Speech Movement defended free speech and dissent.

Caner first apologized about a year ago when his 2012 election campaign in support of his anti-homeless measure, "Berkeley Civil Sidewalks—Yes on S," was fined $3,750 by the Berkeley Fair Campaign Practices Commission for not reporting more than $5,000 in cash payments to homeless people to hand out deceptive fliers advocating making sitting down a crime.

Next, Caner apologized again earlier this year when two of his DBA ambassadors were videotaped attacking and brutally beating two homeless men. Caner characterized this violent assault as an *isolated incident*, yet several homeless people had previously reported similar encounters with DBA ambassadors.

Now, Caner has apologized once again, on October 13, 2015, when community members spoke in favor of a motion by Berkeley City Councilmember Kriss Worthington asking the city manager to "examine whether any constitutional questions arise if DBA Ambassadors take down fliers placed on poles that appear to comply with Berkeley Municipal Code."

Once again, Caner characterized the DBA's practice of employing their private patrol to rip down fliers as an isolated incident which he was hearing about for the first time.

Caner said, "Sometimes ambassadors make mistakes. Sometimes our ambassadors don't know all the nuance. I invite (the public) to give us a call. I was not aware of it. We're trying to keep downtown neat and clean.... I would welcome

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BEFORE THE DELUGE

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seems the council majority has no capacity to resist the Not In My Back Yard ravings of hateful people promoting greater fear of these roofless, powerless folks.

Yet, the day after I finished this story for *Street Spirit*, Santa Cruz Mayor Don Lane published his long letter apologizing for some of his past votes that impact homeless people here (and, in my opinion, have helped to criminalize them).

[*Editor: See Mayor Lane's letter on pages 6-7 of this issue of Street Spirit.*]

Mayor Lane makes several new proposals, including changes to the sleeping ban. I want to believe this impassioned letter may push elected officials to action. I saw no concern coming from the City Council prior to the mayor's letter about the harms and dangers created by long-term council neglect of homeless folks.

Now, the mayor's letter is all over town and it has already triggered lots of "buzz" and maybe even action. I'm praying Lane's words can be understood by his governmental peers and employees responsible for much of the systematically bigoted destruction of people's lives I see on the streets of Santa Cruz.

Meanwhile, back at the plaza outside, I met several families in sleeping bags, a woman with three dogs, a dizzy singer, and another handful of single guys comparing maps and journeys.

Lucero was on her feet and on the ball with her strong voice and a good sign directed toward passing cars along the front sidewalk where, at 10 p.m., anyone demonstrating who doesn't want a ticket or arrest would be forced to leave when police and guards come to empty the City Hall garden "park." As has become very typical at political demonstrations in these parts, media workers also were cited by police, tripped up, and pressed to protect themselves during the first few Tuesday sleep-outs.

Years ago, the City Council passed an ordinance just to make the city government's plaza into yet another "city park" with a curfew. Curfews for city parks begin at 10 p.m. Those grounds became a "park" by the City's legal definition precisely to block homeless protesters from staying overnight.

From a little broader legal perspective, California's public meeting laws and the U.S. Constitution's promise of freedom of speech will prove stronger some day than the City of Santa Cruz's long-enduring ban on sleeping and camping.

Just about the time of night when almost every housed person is going under their covers, Freedom Sleepers will be roused by the police, and maybe ticketed, fined or arrested. The ones who have no other legal place to go, and a few of their friends, line the sidewalk on Church Street, crowded together like sardines, until either dawn erupts or police come back for more easy pickings.

Food Not Bombs, one of the founding collaborators of Freedom Sleepers, has provided the luxury of hot meals, and their generosity is now going into the fifth month. Food Not Bombs banners are visible both across the street by the downtown library and inside the City Hall council chambers, setting a relatively high standard of both visibility and healthy living.

That night, we saw the row of regular vigilers sitting on the plaza facing traffic, sitting on a bench, leaning against the stone wall all evening, with signs in their laps. They clear out by the time sleepers are forced to either evacuate the "park" or are ticketed for a flurry of laws, including "being in a closed area."

Freedom Sleepers take their message of protest inside the chambers of the Santa Cruz City Council. Alex Darocy photo

Food Not Bombs and Freedom Sleepers have carried out a series of weekly protests with great perseverance. Alex Darocy photo

The sleepers convene a General Assembly at a fixed time, as needed, most Tuesdays. Other seeds of community have sprouted, and we have begun talking about how a Women's Circle might best unfold. In recent weeks, many Freedom Sleepers, perhaps in tandem with FEMA scouts and Santa Cruz County, are advocating for and working on how to be safe when El Nino's predicted downpour hits Monterey Bay and environs.

I see a big difference in the two approaches. Freedom Sleepers are concerned mostly about already displaced people whose lives and survival are literally on the line; while Santa Cruz County and FEMA officials are out to help secure real estate and personal property, offering rakes and sandbag kits for protecting houses and gardens for those already securely indoors. Two separate worlds.

"I'd like to see a permanent and expanding pressure group that activates students, workers, renters around this issue of conscience — the Sleeping Ban — particularly as the El Nino weather approaches;" said Robert Norse of HUFF, "while simultaneously maintaining and expanding our de facto safe sleeping zone.

Norse elaborates, "Of course, the longer term objective is ending the Sleeping, Blanket, and Camping Bans."

HUFF (Homeless United for Friendship and Freedom), along with Common Ground: Santa Cruz Homeless Depot, Food Not Bombs, and Homeless Persons Legal Assistance Project initiated this demonstration which has since evolved into Freedom Sleepers. There was also support from local ACLU chapter board members.

The founding groups brought together a community gathering in July, a hundred strong, on the downtown Post Office steps, a place where homeless people were once allowed to sleep rough at night until too many came there. People picked a campaign launch site that evening, marching on Independence Day to City Hall plaza.

My friend and I were just casual August visitors. She brought her folk songs with lyrics customized for Freedom Sleepers and her strong, loving voice, and I brought cupcakes we had made for 50.

Nearby I saw a table offering information and petitions to sign about a "constitutional protection zone." Someone else was flattening and stacking cardboard. By the time we left, the banana-slug-colored port-a-potty arrived and was set up across the street around 7 p.m. City staff refuses to permit bathroom use at night.

Clusters of sleeping bags dotted the front and one side of the campus. Some were set up but empty, holding the space; others had folks already halfway tucked in, reading a book or lost in quiet conversations.

Freedom Sleepers are people of all stripes, ages, beliefs. They want to overturn the selectively enforced laws enacted by the City of Santa Cruz that are being deployed to target, banish, criminalize and even crush people experiencing homelessness. And they remind us about the other class-based minority groups — youth, students, artists — who are feeling systematically shunned and pushed out of their world.

We left that evening as five meandering, uniformed security guards changed their pace and converged to greet three gas-spewing klieg lights being rolled out into the empty parking spaces fronting the vigil. The giant lights get turned on *around bed time*. I have serious asthma/breathing problems around such toxic fumes, so I was forced away from City Hall's main entry during the council meeting, but not before folks found the cupcakes I brought.

City officials deploy these beacons, it appeared, to make safe and peaceful slumber even more difficult. At 10 p.m., the Freedom Sleepers are pushed onto the sidewalk — a gritty concrete "bed" I tasted in 2010. I would not wish it on anyone.

Week after week, homeless people are returning to join the vigils held by the Freedom Sleepers, where, so far, they are not being hit with the sleep/camp tickets that cost roughly $150, like they've been getting elsewhere in the city.

*** *** ***

Contact Freedom Sleepers: freedomsleepers@gmail.com, 800-884-1136. facebook.com/groups/freedomsleepers

Linda Ellen Lemaster is a formerly homeless woman who facilitates Housing NOW Santa Cruz. homes4everyone@post.com

Cities that Criminalize the Poor Risk Losing Funding

A Column on Human Rights

by Carol Denney

Is your local politician immune to moral shaming? Does he or she pass ordinances targeting homeless people for sitting down, sleeping in public, or having sleeping bags or blankets? Are homeless people in your city reeling from a barrage of repressive laws and police raids? Are you scratching your head wondering how to make it stop?

The U.S. Department of Housing and Urban Development might be able to help.

Almost two billion dollars of "Continuum of Care" grant money is slated to go to applicants who use proven, effective strategies to address homelessness. Applicants will compete for funding based on their willingness to adopt best practices — such as permanent housing — *and avoid destructive practices — such as the criminalization of homelessness.*

It's one thing to stack up position papers showing the fallacy of giving tickets to people with no money, cycling people through emergency rooms instead of providing housing and services, and wasting police resources on issues which would disappear if everybody simply had somewhere to live.

But it's quite another thing to hold a steaming pot of two billion dollars of public funding under municipal and county noses with an offer to share it — *if and only if it isn't wasted.*

Treating people who have nowhere to go as though they were criminals isn't just bewildering, ineffective, and immoral — it's *wasteful.* The HUD guidelines are clear. They want proof that cities are using proven strategies that have a lasting impact on a local level, a focus on root causes, a commitment to decriminalization, and housing first as an effective strategy.

The guidelines were issued only a few short weeks after the Department of Justice's Statement of Interest clarified that laws criminalizing sleeping, sitting down, etc., are cruel and unusual punishment and a violation of constitutional rights.

Eric Tars of the National Law Center on Homelessness and Poverty explained that "for the first time HUD is asking Continuums to 'describe how they are reducing criminalization of homelessness.' In the extremely competitive funding process, Continuums' ability to fully respond to this question can determine up to two points in the funding application, and in many cases could be the difference between receiving funding and not."

Imagine the city of Santa Cruz, which has criminalized sleeping, or the city of Sacramento, which has criminalized "camping" on public or private property without a permit, attempting to address this particular portion of an application for federal funds.

No one can be sure whether this clear signal regarding Continuum of Care grant money is something cities can sidestep semantically by referring to what we recognize as anti-poor laws as something else. Perhaps they will claim they are only "safety enhancement" laws to keep sidewalks from being blocked? Park protection laws to keep public lawns healthy?

Politicians use stock phrases to defend anti-poor laws, suggesting that they're trying to make sidewalks accessible, or enhance "commercial vitality," or address a public "perception" of danger, etc.

And certainly, HUD's even more recent announcement that it is proposing a reduction in the East Bay's Section 8 fair market rents, which will increase the number of households unable to use Section 8 Housing Choice Vouchers, indicates that the housing crisis will not disappear overnight.

But the Department of Justice's recent Statement of Interest announcing that Boise's anti-homeless law is flatly unconstitutional and the HUD grant guidelines asking cities to describe "how they are reducing criminalization of homelessness" are a clear signal that, at least in these waning days of the Obama administration, there is agreement that wasting money is *bad policy.*

Santa Cruz police surround activist Robert Norse at the sleep-out near City Hall. City officials have criminalized the essential act of sleeping. Alex Darocy photo

Gimme Some Truth

"I've had enough of reading things by neurotic psychotic pigheaded politicians. All I want is the truth, just give me some truth." — *John Lennon*

"If the American people ever allow private banks to control the issue of their currency, first by inflation, then by deflation, the banks and corporations that will grow up around them will deprive the people of all property until their children wake up homeless on the continent their Fathers conquered.... I *believe that banking institutions are* more dangerous to our liberties than standing armies.... The issuing power should be taken from the banks and restored to the people, to whom it properly belongs." — *Thomas Jefferson*

"Reader, suppose you were an idiot. And suppose you were a member of Congress. But I repeat myself." — *Mark Twain*

More Anti-Homeless Laws on the Way November 17

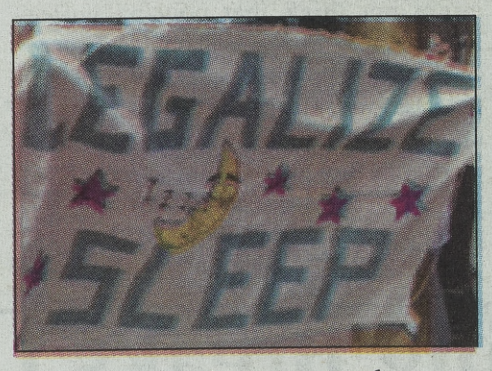
by Carol Denney

Buckle your seatbelt for more anti-homeless laws in Berkeley. Just in time for Thanksgiving and Christmas, the City of Berkeley is turning its back on the Department of Justice and Housing and Urban Development guidelines, as well as best practices.

Instead, it is embracing more anti-homeless laws which will "increase nighttime enforcement" in parks and severely curtail the amount of belongings people can have with them.

These anti-homeless laws will be considered at the City Council meeting on the evening of Tuesday, November 17.

A new wave of oppressive prohibitions is in store for homeless people: "...placement of personal belongings on sidewalks and plazas covering more than 2 square feet or, for a mobile unit, no more than 6 square feet (i.e. a standard shopping cart), during the day, from 7 a.m. to 10 p.m. (storage to be provided). 3. Any person soliciting another who is making a payment at a parking meter or pay station. 4. Lying inside of planter beds and on planter walls. 5. Personal items affixed to public fixtures including poles, bike racks (except bikes), planters, trees, tree guards, newspaper racks, parking meters and pay stations. Pet leashes exempt only as not prohibited in BMC 10.12.110. 6. Placement of personal objects in planters, tree wells, or within 2 feet of a tree well to enable tree care and to protect tree trunks...."



Come to the City Council and speak out for justice on Tuesday, November 17, 2015. The U.S. Department of Justice could not be clearer in its August 6th statement of interest: Cities which criminalize the inevitable results of a lack of housing are in violation of the U.S. Constitution's 8th Amendment against cruel and unusual punishment.

These are the councilmembers most likely to vote for the anti-homeless laws:

Mayor Tom Bates: 510 981-7100, mayor@cityofberkeley.info

District 1 Linda Maio (510) 981-7110, lmaio@cityofberkeley.info

District 2 Darryl Moore (510) 981-7120, dmoore@cityofberkeley.info

District 4 Jesse Arreguin (510) 981-7140, jarreguin@cityofberkeley.info

District 5 Laurie Capitelli (510) 981-7150, LCapitelli@cityofberkeley.info

District 6 Susan Wengraf (510) 981-7160, swengraf@cityofberkeley.info

District 8 Lori Droste (510) 981-7180, ldroste@cityofberkeley.info

But the real power behind this move is the Downtown Berkeley Association and the developers and property owners on its board. This unaccountable, undemocratic group of out-of-towners control the council majority and make up the bulk of political contributions in elections.

Street Spirit

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On the Origins of Broken Windows Policing

Kelling acknowledges that his "Broken Windows" policy could easily result in lending the force of arms to the enforcement of prejudice.

by Jess Clarke

Broken windows policing is a theory of law enforcement that concentrates on arresting people for low-level offenses such as loitering, vagrancy, sitting on sidewalks, sleeping on the streets, and littering, in order to create an atmosphere of propriety and order for residents and workers in business districts and downtown areas of cities.

Its original proponent was George Kelling, co-author of a 1982 article in the *Atlantic* where he laid out the case using a real-estate metaphor to provide justification for discriminatory law enforcement, directed at poor and homeless people and aimed at "quality of life" crimes.

Kelling wrote: "One unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing.... If a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken."

Using metaphorical reasoning and a series of anecdotes from Newark and Chicago, but backed up by almost no empirical evidence, Kelling comes to the conclusion that: "Serious street crime flourishes in areas in which disorderly behavior goes unchecked."

Kelling spins a tale of the good old days when the police enforced community *standards of middle-class respectability* and all was right with the world. But beneath the surface rhetoric and the metaphorical reasoning, he isn't all that shy about spelling out the real purposes — and targets — of this policing strategy that has been used against Blacks, Okies, homeless and disabled persons, and other undesirables.

"[T]he police in this earlier period assisted in that reassertion of authority by acting, sometimes violently, on behalf of the community. Young toughs were roughed up, people were arrested 'on suspicion' or for vagrancy, and prostitutes and petty thieves were routed. 'Rights' were something enjoyed by decent folk..."

Even at its origins, Kelling was well aware of who the victims of selective enforcement would be, but he frankly states that he just doesn't care: "Arresting a single drunk or a single vagrant who has harmed no identifiable person seems unjust, and in a sense it is...."

WRAP members protest the International Downtown Association's support for Broken Windows laws. Jess Clarke photo

He also acknowledges that his policy could easily result in lending the force of arms to the enforcement of prejudice.

Kelling writes: "The concern about equity is more serious. We might agree that certain behavior makes one person more undesirable than another but how do we ensure that age or skin color or national origin or *harmless mannerisms will not also become* the basis for distinguishing the undesirable from the desirable? How do we ensure, in short, that the police do not become the agents of neighborhood bigotry?"

His only answer to this very significant danger is to hold out the faint hope that somehow the selection and training of good police can make up for bad policy.

"We can offer no wholly satisfactory answer to this important question. We are not confident that there is a satisfactory answer except to hope that by their selection, training, and supervision, the police will be inculcated with a clear sense of the outer limit of their discretionary authority. That limit, roughly, is this — the police exist to help regulate behavior, not to maintain the racial or ethnic purity of a neighborhood."

It seems a very slim hope indeed that police will always remember, without fail, "the outer limit of their discretionary authority" while conducting police raids and street crackdowns.

A protest of BIDs and Broken Windows policing in San Francisco. Jess Clarke photo

Even in 1982, Kelling was concerned that the citizenry, and even the police brass, might not think that pouring police resources into driving "undesirables" out of a neighborhood would garner sufficient taxpayer support. His suggested solution was the use of private security forces. "One way to stretch limited police resources," he wrote, is to "hire off-duty police officers for patrol work in their buildings."

Broken windows policing is losing public support across the country and popular uprisings are bringing police under ever greater scrutiny.

So here we are today, when police hired by Business Improvement Districts and other property owners are on the front lines of a policing strategy that, by its original design, was premised on getting back to the good old days when "rights" were something enjoyed by "decent folk" — not by undesirable such as ourselves.

Broken Windows Policing Breaks Lives Apart

We are not broken windows and we will continue to fight this system trying to break us until we are all free.

by Western Regional Advocacy Project

The annual International Downtown Association conference, held this year at the Marriott Hotel in San Francisco on September 30, was geared towards increasing business success in downtowns all over the United States and Canada, as well as policing, harassing and forcibly removing people deemed a "nuisance" from downtown centers.

George Kelling, the infamous originator of Broken Windows policing, helped open the conference with his workshop, "Broken Windows, Community Policing and Quality of Life Issues." WRAP was there to help usher him into San Francisco.

As WRAP members from Portland, Denver and Los Angeles came into town, we mobilized to infiltrate and disrupt the IDA conference and George Kelling's talk. While we intended to enter the conference room unnoticed and disrupt the workshop, we were spotted by security guards on our way in, due to the same racist, classist and violent policing strategies that we are fighting.

Though we could not enter the room, WRAP members took up space outside of the conference room with banners, chants and T-shirts that read, "We are not broken windows" and "Kelling you are killing us." Organizers held down the disruption for about 15 minutes before exiting the building to join our comrades from POOR magazine who had organized a sister demonstration criticizing Broken Windows policing in front of the Marriott.

A source inside the workshop told WRAP that Kelling said, "they always find me," in response to the disruption.

The next day, on October 1, WRAP members organized an alternative panel to the IDA conference called "Broken Windows and BID Business: How Big Businesses Use Broken Windows Policing to Gentrify and Exclude," to teach our communities about Business Improvement Districts (BIDs).

With WRAP organizers Ibrahim Mubarak from Right 2 Survive, Benjamin Donlon from Denver Homeless Out Loud and JoJo Smith from Los Angeles Community Action Network, as well as allies Shayla Myers, Liz Brown and Sulaiman Hyatt, the panelists debunked Broken Windows policing and the ways that Business Improvement Districts terrorize street-based communities.

The panel brought out a large crowd and gathered lots of positive feedback. This is merely the beginning for WRAP and our organizing efforts against the Business Improvement Districts and anyone who encourages the policing, harassment and incarceration of poor and homeless people.

We continue to build our momentum for another year of the Homeless Bill of Rights with a message of dedication: We are not broken windows and we will continue to fight this violent system trying to break us until we are all free.

How Big Businesses Use Police to Banish the Poor

I think if you read "Broken Windows," it is doing exactly what it was intended to do, which is to harass the poor, harass communities of color, and create the cycle of incarceration that we see so present in American society.

WRAP Panel on Broken Windows and Business Improvement Districts

INTRODUCTION

Business Improvement Districts and business associations such as the Chamber of Commerce are very powerful lobbies that advocate the criminalization of homelessness and the use of police power to maintain the fabric of racial and economic segregation in many cities across the United States.

Real estate owners, developers and large retail businesses are the biggest beneficiaries of "Broken Windows Policing" and "Stop and Frisk" approaches to maintaining order in public spaces. Segregation of the poor and people of color and removing them from areas where property values are increasing or already high, is typically accompanied by methods of police enforcement that criminalize the very presence of poor people and people of color.

As police murders and abuse stir a popular movement for police accountability, corporate interests continue to preserve and expand their investments in urban centers by shifting police enforcement to private-public entities where corporate interests rule more directly. Business Improvement Districts are one such mechanism.

At a panel discussion organized by WRAP in San Francisco on October 1, speakers addressed the increasing power of Business Improvement Districts in San Francisco, Los Angeles, Denver and other cities, and discussed how policing is connected to racial and economic segregation, gentrification and mass incarceration.

Excerpts from the panelists follow. To hear the speakers' own words please visit thestreetspirit.org/brokenwindows

LIZ BROWN, DEPARTMENT OF CRIMINAL JUSTICE STUDIES, SAN FRANCISCO STATE UNIVERSITY

George Kelling's stance is he thought that it's the application that's been wrong, and not the actual theory and practice of broken windows policing itself. It is very clear that he's actually lamenting a time when police could play the role of, as he puts it, "kicking ass," without the oversight of the court. So he's actually lamenting a couple of changes that went on in the '60s and '70s that brought things like Fourth Amendment rights to local citizens and the relationship between the police and local citizens.

Wilson and Kelling both point out that, in fact, broken windows policing is not meant to solve crime. It's actually just meant to decrease people's fear of people that they find disorderly, people he identifies very explicitly as people who are not violent, people who are not criminals; but people who are loiterers, people who are gang members, people who are homeless.

The logic of broken windows is not meant to decrease crime. It's not meant to make us safer. It's actually meant to exclude people that are dispossessed by a capitalist society, by a racist society, by a white supremacist society. I found that very shocking. I also found it very shocking that it's actually been claimed in any way that it should decrease crime, when almost every single study that has been done of police — and this is actually cited in the Wilson and Kelling article — shows that, in fact, increasing police has no effect on crime.

There's an excellent study of Kansas City that shows that when they divided up Kansas City into three different districts, they increased police in one, they decreased police in another, and they kept police the same — and none of those strategies had any effect on crime rate.

So the turn towards police, the turn towards broken windows as a crime control measure, is a fallacy in itself. And I think if you read "Broken Windows," it is doing exactly what it was intended to do, which is to harass the poor, which is to harass communities of color, and to create the cycle of incarceration that we see so present in American society.

Liz Brown is an associate professor in the Department of Criminal Justice Studies at San Francisco State University and director of the School of Public Affairs and Civic Engagement.

BENJAMIN DONLON, DENVER HOMELESS OUT LOUD

I got my start around homeless advocacy with Occupy Denver. Its destruction came about because of the BIDs, specifically one BID, the Downtown Denver Partnership, which lobbied with prewritten legislation for a camping ordinance they'd been trying to push for a long time. But they finally had the momentum through Occupy to convince City Council members to pass the ordinance. They passed it within a month and began harassing the homeless on a wide scale throughout the city.

Because they knew it could be challenged constitutionally, they use it as a homeless stop-and-frisk and they use it as a mechanism to essentially approach any homeless individual and then subsequently search them for warrants and check their pockets for contraband or whatever.

Unfortunately, the Downtown Denver Partnership continues to grow in strength and they currently hold a lot of weight, and just recently funded, I think, every City Council candidate that came into office this year. They all got funded by the developers and by the business alliances, so it's a pretty big problem.

They're taking over the city. Ideally, we can do something to stop it.

Benjamin Donlon is an organizer with Denver Homeless Out Loud. He has been involved in the Right 2 Rest campaign as well as helping build tiny houses providing immediate shelter to homeless people in Denver.

IBRAHIM BILAL MUBARAK, RIGHT 2 SURVIVE, PORTLAND, OREGON

After we became successful with many demonstrations and direct actions, we started educating the houseless community on their constitutional, human, and civil rights, and on how to fight back.

Because you cannot — I don't care how hard you try — outdo God and stop the people from falling asleep. That's a human right. You cannot stop people from using the restroom. That's a human right. Each time a houseless person does that, they've been criminalized, so we have to educate our people, our community, our brothers and sisters, on their rights.

That's why we go to different cities and states throughout this country, consulting them on building rest areas, villages, and tent cities. That's why we're in a campaign with the Right to Rest Act deal.

That's unconstitutional by the United Nations Declaration of Human Rights in Article 25 that everybody deserves a right to rest or right to sleep. But this government and the business districts have a God complex and they're saying, "You can't sleep because you don't live in a house. You can't use the restroom because you don't live in a house."

That's so absurd and ridiculous. As Mike Tyson said, "It's ludicrous." So we got to come together and fight this form of discrimination, oppression, and repression, then let them know we're going to exercise our human right— it's constitutional.

Ibrahim Bilal Mubarak is a homeless rights activist and helped found Dignity Village and Right 2 Survive in Portland, Oregon. He is a leader in Right 2 Dream Too, a space where people can rest or sleep safely and undisturbed.

The WRAP panel on Broken Windows Policing in San Francisco. Jess Clarke photo

SHAYLA MYERS, LEGAL AID ATTORNEY, LOS ANGELES

Our clients made the strategic decision to sue the Downtown Industrial District, not as private actors, but rather as government actors for violating the constitutional rights of the citizens of Skid Row.

For us, that's a really, really important distinction because we've largely thought of Business Improvement Districts as private actors who don't have any authority under state law and who are out there operating on their own. But, unfortunately, the tragic reality is that they are operating with the permission, with the responsibility, and with the authority that's given to them by the City of Los Angeles under state law. They're operating with a different level of authority and, unfortunately, without the accountability of a state actor.

Under the constitutional principles, the Constitution protects all of us, not against private people, but against the government. It protects us against the government's infringing on our constitutional rights. So by bringing this lawsuit against them as a government actor, we were able to say that the Business Improvement District was violating the Fourth Amendment right to be free of unreasonable searches and seizures, and the right to be free of having your property taken without due process.

We were able to stand up and say that Business Improvement Districts can't, on the one hand, get the benefit of the government by collecting taxes, and requiring property owners like LA CAN and the Los Angeles Catholic Worker to pay into their actions, and at the same time to be able to say, "We're just private. We don't have any authority. We're just operating like private citizens."

Shayla Myers is an attorney at the Legal Aid Foundation of Los Angeles, focusing on housing, civil rights and the criminalization of homelessness. She is currently an attorney on *Los Angeles Catholic Worker v. Los Angeles Downtown Industrial District*, a lawsuit over the unlawful practice of taking homeless people's personal possessions.

SULAIMAN HYATT, BLACK LIVES MATTER, BAY AREA CHAPTER

San Francisco used to be known as the most chocolate city, the blackest city west of the Mississippi. It used to be that way. I think we're now down to four percent. It's interesting that The Fillmore actually has gone through several street-widening processes intended to disrupt the black economy that was there.

And this isn't the first time, nor the last time, this was actually done. It was done in L.A., it was done in Oakland, it was done in San Jose, it was done in Sacramento, and it was done in many places in California, in addition to many places across the nation.

So it's very familiar, especially with black people, dealing with the city attacking the community and disrupting the economy. If we're not examining race, with the removal and the dispersal of black people, then we're not actually addressing the real solution to things.

What we do know is that the police function as a mechanism in society when you have a split between those who have and those who have not. They've always functioned this way.

When you begin to couple this with mass incarceration, with the 2.4 million people inside, not even including those under monitoring right now, and you also couple this with a criminal justice system that is intent on feeding these two entities, then you begin to understand the creation of these underclasses that are created — people without homes, people who are impoverished, and as Michelle Alexander states in *The New Jim Crow*, a prison class of people who are perpetually in prison.

Sulaiman Hyatt is an organizer from BlackLivesMatter Bay Area chapter, born and raised in the Bay Area and mentored by revolutionary elders including Yuri Kochiama.

JOJO SMITH, LOS ANGELES COMMUNITY ACTION NETWORK

One way we showed how to resist the BIDs is when they would come and tell us that we had to take our tents down, we would tell them, "Ya'll do not own the sidewalk. We do not have to do that."

We pay taxes for these streets and they try to take our streets from us, so we have to keep giving resistance and we've got to keep showing resistance.

We got to show other communities what resistance looks like.

JoJo Smith has been a member and organizer with the Los Angeles Community Action Network (LA CAN) since 2011.

Santa Cruz Mayor Questions Laws That Punish and Criminalize Homeless People, Calls for Compassion

An Open Letter to my colleagues in local government and in the Santa Cruz community about the latest challenges in addressing homelessness ... as winter approaches.

Editor: Santa Cruz Mayor Don Lane's open letter, posted on October 27, questions the failed approach of criminalizing homeless people and asks city officials and citizens to show more compassion.

Recently, the U.S. Department of Justice condemned laws that criminalize homelessness as "cruel and unusual punishment." HUD officials warned cities they will lose federal homelessness funds if they continue to criminalize homeless people.

In Santa Cruz, Freedom Sleepers are carrying out a highly visible protest of the city's sleeping ban—right outside City Hall.

Open Letter by Mayor Don Lane

As I write this letter, the City Council I belong to is about to take up a variety of measures related to homelessness. Some of these items will be discussed this week. Others will presumably be discussed over the next few months. With winter coming soon and this set of issues once again coming to the top of the Santa Cruz community's agenda, I'd like to outline a framework for looking at these issues and make some specific proposals.

[Editor: At this point, we skip past the first several paragraphs on local homeless service programs.]

In contrast to the good news at the county government level, the City of Santa Cruz has reduced its funding commitment for homelessness programs even as the County has increased its funding substantially. This City reduction was not done to single out homeless services for budget reductions— the cuts came to almost all human services programs. However valid those reasons for this reduction, it is a real problem that the reduction in City funding for homeless services has been significant.

The Daytime Essential Services program at the Homeless Services Center has been severely curtailed due to the loss of key state grant funding. This means hundreds of people without homes have lost regular access to breakfast and dinner meals and to sanitation facilities including restrooms and showers. It also means many people who had a somewhat protected place to spend their days are now passing their days in public spaces and neighborhoods all around the community.

I know some people might have imagined that, if day services at HSC were severely restricted or eliminated, that the community problems associated with homelessness would diminish and that many people living on the street would go away from Santa Cruz. The verdict on this idea seems to be in — and homelessness did not go away. (My judgment on this is based on reports from all over the community suggesting that people who appear to be homeless are still present all over town and the burden placed on the community by extensive homelessness has not diminished significantly.)

The Paul Lee Loft Shelter at HSC also lost substantial funding this year and has adapted to grant funding requirements by changing its role from a short term emergency shelter to a different kind of interim housing program. The Loft Shelter had been the main year-around emergency shelter for adults in the Santa Cruz area and it is no longer a contributor to meeting our short term shelter needs. Despite a fairly widespread misconception, we've never had a lot of emergency shelter for adults in the City of Santa Cruz. And now we have even less. No matter how you slice it, during most of the year, there are literally hundreds of adults without an indoor space to sleep at night.

It gets even worse. Because HSC has had to cut so much program and so much staffing, without additional funding, it will not be staffed and equipped to be the operator of Santa Cruz County's Winter Shelter Program (at the National Guard Armory in DeLaveaga Park.) HSC will need tens of thousands of dollars of new funding to operate a Winter Shelter Program.

Even if our city and county come up with enough funding to sustain the Winter Shelter Program, when the weather turns bad (as in very heavy El Niño rains) the Winter Shelter will not be sufficient. It can serve about 100 adults. There are several hundred unsheltered individuals in the immediate Santa Cruz area.

It's also important to note here what is probably the worst news of all: rental housing costs are skyrocketing. It's widely agreed that our area is experiencing a housing affordability crisis that is likely worse than any past housing crisis we've seen. People, mainly people with jobs, are being priced out of their rental housing situations every day. This suggests that both a potential increase in homelessness could emerge and that it will be more difficult than ever to move local people off of the streets and into housing.

Last but not least in the bad news category: we are continuing to experience tremendous litter and waste disposal problems along with environmental damage as a result of careless actions by people camping in our parks and open spaces. The City has sought to manage this problem by increasing ranger and police interventions and through the issuance of citations — especially camping citations. The number of camping and sleeping citations issued this year has increased tremendously compared to previous years.

Yet hundreds of individuals continue to sleep in our parks and open space lands every night. I think we have a failure of policy and practice on multiple levels. a) Our camping enforcement activities are not substantially reducing the number of people sleeping in these public spaces. b) The environmental damage and litter damage persists. c) We have more citations being issued that end up having little deterrent effect while consuming much law enforcement time.

Beyond what I've categorized as good news and bad news, there is another significant piece of news. The federal government has, in a variety of ways, signaled that it will not provide federal homelessness funding to localities that enforce laws against sleeping outside when those who are sleeping outside have no legal alternative. The feds have also started to intervene in court cases that question local laws that prohibit sleeping in public places for people who have no place else to sleep.

The City of Santa Cruz has been able to maneuver through this legal situation in recent years. Several years ago, the City Council worked with the City Attorney to set up a system whereby people who had sought emergency shelter but were turned away for lack of space could have sleeping and camping citations dismissed. This has been less than a perfect system but at least it tried to avoid penalizing people who had made an effort to avoid sleeping outside.

Freedom Sleepers stage a protest with sleeping bags at City Hall. Alex Darocy photo

"What public purpose is served when an unsheltered, impoverished person gets a citation for sleeping outside? Is that kind of citation having any positive impact on the homelessness problem we have?" — Mayor Don Lane

Now this model is becoming less functional because there is almost no drop-in emergency shelter in our city. (In the non-winter season — April to November — there are something like 15 to 30 unrestricted emergency shelter beds in Santa Cruz) It has become extraordinarily difficult for any homeless adult to find any emergency shelter. If court rulings continue to hold that penalizing people for sleeping outside when they have no alternative is unconstitutional, Santa Cruz (and hundreds of cities around the country) will no longer be able to enforce this kind of ordinance.

A related issue which has surfaced locally, partially in the context of our city council's consideration of RV parking regulations, is the reality that many people without homes sleep in their vehicles. Courts have begun to wade into this issue, too, and the general trend seems to be that cities might not be able to restrict people from sleeping in their vehicle if their vehicle is in every other way compliant with the law. When Santa Barbara and San Luis Obispo tried to ban people without homes from sleeping in vehicles, lawsuits ensued and both cities were required to make some allowance for sleeping in vehicles.

So we have quite a tangled web of challenges and circumstances to take on as we wrestle with homelessness.

As I mentioned before, our local governments have adopted a strategic plan that I believe provides an excellent road map for how we can successfully reduce homelessness in our county. It's based on well-tested models that are working elsewhere. These models are now showing success here. But this roadmap was not primarily designed to address some of our most pressing short-term challenges. And, beyond that, the conceptual roadmap is just a plan on our desks unless we take concrete actions and make a real commitment of resources to implement it.

So... I would like to offer for community discussion a set of proposals that I hope will be considered and then acted upon by the City of Santa Cruz and the Santa Cruz City Council in the coming days and months:

1) Commit additional funds in the amount of $31,000 to ensure that the Winter Shelter Program can operate again this year and provide shelter for up to 100 adults throughout what we expect will be a very wet rainy season. I also suggest we indicate a willingness to contribute a modest amount more if there is a weather-based need and a countywide willingness to extend the Winter Shelter program for extra weeks. (The final decision on this second part would occur in February or March.)

2) In conjunction with a mid-year budget update and budget adjustment in January, consider an additional allocation

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Open Letter from Santa Cruz Mayor

from page 6

of funds to sustain the Paul Lee Loft Shelter through the current fiscal year, allowing that program additional time to seek a state Emergency Solutions Grant in 2016 without closing the loft program. (Allowing that program to close prior to the completion of the 2016 ESG funding cycle would virtually ensure that the program would lose eligibility for ESG funds next year.)

3) The County of Santa Cruz has taken steps to create an emergency "warming center" program that will provide the most basic of protections from the rain and cold on nights that are either wet or have near-freezing temperatures. A volunteer organization is working in the Santa Cruz area to implement a similar Warming Center program for this winter season. While I think it is unrealistic for the City to take on providing all of the facilities that might be needed for a "warming center" program, I think we can be one of the partners in this.

I propose that the City Council direct our City staff to identify a suitable facility (or facilities) to be used for up to 10 nights of warming center use this winter season at no charge— contingent on the warming center volunteer project identifying other locations/facilities that will commit to sharing in this effort by providing 30 nights of warming center use. (It's my understanding that the volunteer effort has already identified 20 nights of facility use from private organizations.) Of course, city staff would set reasonable standards for the use of city facilities and the city's offer of use of these facilities would be withdrawn if those standards are not met.

4) Amend the current camping ordinance to remove references to "sleep" and "sleeping" and "covering up with blankets." I realize that some will argue that this will encourage even more camping in our city...and therefore result in even greater improper waste disposal and environmental damage. This does not have to be the case. Any person that sleeps outside and is also making a mess is committing other violations of city ordinances and this suggested amendment would do nothing to discourage enforcement of those ordinances. In fact, if the city council made it clear that waste problems and environmental damage are a priority for enforcement rather than sleeping, we could actually send the message that we are going to focus on the real impacts of camping rather than on the natural survival activity of sleeping.

5) I propose that the City Council indicate that the City will seek a partner organization with experience working on homelessness to set up a pilot permit program for local residents living in vehicles (limited to 25 vehicles). City cooperation on this pilot program will be conditioned on a rule that the vehicle of each participant be registered at an address with a Santa Cruz zip code (95060-65). It would also be required that permissible parking locations be away from residences and be dispersed throughout the community and that the partner organization provide outreach services to the program participants. I believe this pilot would best be implemented in conjunction with the RV permitting program under development by city staff under previous city council direction.

6) I recommend that the City of Santa Cruz take a neutral and open stance on the question of creating a small, pilot camping area for people unable to access any other form of shelter. Personally, I think this kind of "outdoor shelter" is fraught with likely problems of significant magnitude. Santa Cruz's earlier attempt at this kind of camping space turned out to provide a place for individuals to prey on the most vulnerable people in need of safe shelter. This does not mean that a genuinely safe and well-managed camping space would not have value — it means that a community organization with proven capacity to manage this kind of project would have to put a complete project plan together (including a legal and workable physical location). I think the City should indicate a willingness to permit such a program but not be partner in operating it.

Santa Cruz police roust Freedom Sleepers during the sleep-out protests at Santa Cruz City Hall. Alex Darocy photo

"It has become extraordinarily difficult for any homeless adult to find any emergency shelter. If court rulings continue to hold that penalizing people for sleeping outside when they have no alternative is unconstitutional, Santa Cruz (and hundreds of cities around the country) will no longer be able to enforce this kind of ordinance." — Mayor Don Lane

7) Direct our City Manager to include a proposal for City participation in the funding of the County's Homelessness Coordinator position in the 2016-17 City Budget. (There would not be a formal decision to provide funding in the near future — just a decision to consider this participation in the context of other budget decisions next June.)

8) Engage in a process to determine what would be the city's "fair share" of homeless services in relation to our county and our region. I believe we need to stop making our decisions on these issues based on the unwillingness of some other communities to take on any significant responsibility on this issue. If every community used that standard, we could pretend that it would be justified to do nothing. In light of the fact that hundreds of individuals living on our streets are "locals" by any standard, I believe we need to decide what we are willing to do for those individuals and build our funding commitments around this. It would also create a starting point for inviting our neighboring jurisdictions to do the same.

9) Participate with other agencies (public and nonprofit) to evaluate and consider the best use of the facilities located at 115 Coral Street. Changes to HSC's funding are having an impact not only on their programs but on the programs run by the County Health Department and the River Street Shelter operated by Encompass Community Services. We cannot afford to let any of those facilities to be underused when the need to address homelessness remains so high. The City and the community would be well-served to work with its partners on rethinking the use of those facilities.

Of course, others in the community have different proposals and suggestions and I will consider those approaches as others consider mine.

When we address an issue as complex, controversial and persistent as homelessness it's not unusual for there to be some avoidance of one or more elements of the issue — elements that probably fit well under the tag "the elephant in the room."

In Santa Cruz, I believe the biggest "elephant" is the behavior of a handful of high profile homelessness activists. (Note: these are homelessness activists— the most notable among them are not themselves homeless.) Years of boisterous and offensive behavior have caused me to avoid dealing with some aspects of local homelessness issues. I imagine this is also the experience of some other local elected officials. Anyway, I am not proud of my choice to avoid some of these issues. I have allowed what I see as the poisonous behavior of a very small number of people to keep me from taking on some truly important issues.

With this letter, I am trying to move in a new direction: no longer allowing this behavior by others to interfere with my efforts to address difficult aspects of homelessness as a community issue. I hope others in the community will join me in this new approach.

I also want to be clear here that I don't consider my assertion that some of the activists have behaved badly as a rejection of all of the substantive concerns those individuals have raised about local homelessness policy. Just because some of them behave poorly, does not mean all of their ideas or assertions are incorrect.

I also want to suggest that there may well be a second elephant: the persistent avoidance by local government of the most difficult QUESTIONS related to homelessness. Here are some of the questions that really must no longer be avoided, especially in light of the Grand Jury's recent report on homeless services and the emergency shelter crisis:

Where is a person who attended Santa Cruz High 15 years ago and who is now broke and troubled and living on the streets supposed to sleep tonight?

Where will we suggest that each of the several hundred unsheltered individuals in the Santa Cruz area spend the night when it starts raining hard?

What public purpose is served when an unsheltered, impoverished person gets a citation for sleeping outside? Is that kind of citation having any positive impact on the homelessness problem we have?

What is our city's "fair share" of services? How many emergency shelter beds are appropriate for us to have in a city of our size with our level of homelessness?

And, finally, a couple of specific questions for any official who includes in their response to these kinds of questions: "It is up to some other level of government or some other entity to deal with homelessness." What do we imagine homeless individuals should do while we wait for those other levels of government to step up? If those other entities are not doing their fair share, who should pay the price for that failure? Should it be those entities and their leaders or should it be the individuals who are struggling to survive without a home or a place of shelter?

Lest any reader believe that I am pointing the finger at someone else to deflect from my own responsibility, I will simply say that I am as responsible as anyone in this community for our failure to address our lack of shelter and our over-reliance on law enforcement and the criminal justice system to manage homelessness. I have been a direct participant in many of my City's decisions on homelessness. I have failed to adequately answer many of the questions I am posing. I've come to realize that I am not fulfilling my commitment to compassion and compassionate action if I don't address these issues more thoroughly and engage others to join in that work with me.

I encourage others to join me in making a new commitment to address these issues more directly and effectively. I'm looking for new partners in this work. I'm also ready to engage in frank conversations on these issues with people of good will — even if we have disagreements on any particular policy or funding approach. We have so much work left to do.

Don

[P.S. This is the fourteenth draft of this letter. I apologize for its length. I continue to wish I could communicate on this set of issues more clearly and make every point more completely. However, at some point, I have to say it's "good enough" to launch what I hope will be fresh discussion and break out of some of the places we've been stuck.]

Defending the Right to Freedom of Speech

from page 1

the opportunity to sit down with the councilmembers in affected districts ... before we eat up a lot of staff time. I'm sorry that you had that problem."

But the Downtown Berkeley Association had already heard about the problem as far back as 2012, in letters from me. I had first placed health department stickers in places legal to post, which were left undisturbed by the DBA's private "ambassador" patrols. I then returned two weeks later with a photographer, a videographer, and fliers with my own political message. The fliers were immediately ripped down.

The DBA ambassadors grabbed my arms in an effort to stop me from replacing the torn-down posters and even called the police, who at least seemed to know that content-based prohibitions on speech are unconstitutional.

I had alerted the Berkeley City Council about the issue — and got no response. I received a letter from DBA staff member Lance Goree, who affirmed that the "ambassadors" were just keeping the downtown *tidy*, and that only official city communication was allowed. According to Goree, what the DBA's private patrol was doing was *policy*.

John Caner also heard about this issue directly from the East Bay Media Center's Paul Kealoha Blake, who also spoke at October's council meeting and has videotape and photos of the poster removal.

The most eloquent speakers were from a local theater group who sat patiently through a long zoning adjustments hearing to document their own experience having their fliers removed and were compelling on the point of *why it mattered.*

The community that appreciates their art and theater work was slowly built to its current strength over the years through patiently putting up fliers, and their group has even had performance spaces opened to them through the poster outreach. They knew their fliers were legal. But it has taken years for at least one member of the City Council to give the matter a listening ear.

I tried to find legal help from local attorneys, since bringing the poster tear-down issue to the attention of the DBA and the Berkeley City Council got no response, but none of them were interested. The issue may look small to attorneys swamped with cases of evictions and the wholesale theft of homeless peoples' belongings by the police. *But fliers are how we organize about those things.*

The DBA has over $200,000 of public money and a huge budget of over a million dollars to advertise its point of view. The public pays for the DBA's website and its shiny fliers. But people on the streets, local political and arts groups, don't get public subsidies to organize, and fliers are one of the cheapest ways to communicate directly with the public.

It is beyond absurdity that the DBA, representing the wealthiest property owners in town, is taking our money — public money — and paying a private patrol to tear down the posters of poor artists, musicians, activists, and community groups. *We're paying them to tear down our posters.*

A DBA ambassador tore down this protest flier posted by Carol Denney.

City Councilmember Jesse Arreguin, whose district includes the downtown area, rushed to imply that a complaint process now exists, and I'm not the only person in the audience that night who winced. Several of us had insisted at Homeless Task Force meetings in the spring of 2015 that only an *independent* complaint process was workable, given the difficulty many of us had experienced in trying to get assistance directly from DBA staff and supervisors.

Arreguin had agreed at the time. But the crucial word "independent" seems to have slipped out of his vocabulary:

Councilmember Arreguin: "I recall there is a complaint process..."

John Caner: "We have on our website a complaint and compliment process..."

The DBA has a complaint form on its website if you want to complain — to the DBA! Assuming they don't blow you off or beat you up (as the two homeless men were beaten by DBA ambassadors), you might at least get a letter like the one I received from Mr. Goree telling you that whatever you're complaining about is either policy or *an isolated incident.*

The Berkeley City Council can request a copy of Goree's reply to my complaint about having my posters torn down if they really want the nuance. He insisted that what was happening was just the way things are: The City is allowed to put up fliers, but not the rest of us.

But don't wait for the Berkeley City Council to hand your rights to you. Don't wait for the city manager or some lawyer or anyone else, because you may be waiting a long time. A search through the current city policy on fliers is full of ridiculous assertions about how "posters create the appearance of a fragmented and decaying community."

Your posters and fliers are not garbage. Your artwork is not blight. The expression of your point of view, however different from the powerful business interests controlling downtown and most of the Berkeley City Council, is protected by the Constitution.

If they tear down your poster, do what I did on August 19, 2012. Put up another one. If the DBA ambassadors grab your arms and try to prevent you from replacing the poster, remain nonviolent, but keep putting up the poster. And when they call the police, as they did to me, *just keep putting up the poster.*

Berkeley isn't the home of the Free Speech Movement because there ever was any respect here for free speech — quite the opposite. It was the University of California's and the City of Berkeley's *repression* of free speech that sparked the now legendary popular revolt. It's high time to revisit the issue.

IN BERKELEY

by Claire J. Baker

Anthropologists study
street people, find them
humane, kindly, humble —
a dog in lap, parrot on a
shoulder, a young man
sleeping, curled like a baby.
A raggedy baseball cap
silvered with small coins.

Passing poets wonder:
Is it unlawful to be human?
But lawful to be inhumane?

Kafka by the Bay

by George Wynn

There are many gifted
men and women —
but homeless
One day they
wake up without
job and habitat
trouble takes on
a life of its own
just like that

Everything becomes negative
they become labeled
(ABCD) alcoholic,
badass, crazy or dirty
If society can make
everything their fault
they do

Wet with sweat
in the middle
of the night
they scream
"I need air I
can't breathe"
thinking this
must all be
a dream

Hard to imagine
this could happen
to you or me
but in the City
by the Bay
many say
it can and did

Their lives
gone to waste
if only they
could see hope
reach out
touch it
get a taste!

Drop Your Heads and Weep

by Judy Joy Jones

drop your heads and weep
for the homeless
found frozen on the streets

while we laid
in our cozy little beds
all warm and fed
with dollar signs
dancin' thru our heads

who will hear our own
blood curdling screams
as we die freezing
on the streets

will one person leave
their warm homes
to claim our no-name bodies
at the city morgue's doors

oh people
please drop your heads
and weep
and weep
and weep

for the homeless
found frozen
all over our streets

Something in Common

by George Wynn

His father's been
on the street a long time
and battered by it
The son thinks
his father will never
find a place to live

Home used to be
the two of them together
Now they're both
out on the street

Heart Universal

by Joan Clair

In no other heart
do I belong.
Heart universal
is my home.

Street Album

by Claire J. Baker

Wish all possessed
a photograph of
the moment
someone's eyes
meet our own —
that silvery silence
when both accept,
let be.

Exposure

by Joan Clair

The exposure of homelessness is not pretty
unless it evokes the compassionate heart.
The compassionate heart when it is evoked
is as pretty as She intended it.
Therefore, let us give thanks
to anyone who evokes in us
one drop of pure love,
a rare "commodity" in the universe.